United Nations A/HRC/WG.6/19/PRT/2

General Assembly

Distr.: General
13 February 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April–9 May 2014

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Portugal

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1982) ICESCR (1978) ICCPR (1978) ICCPR-OP 2 (1990) CEDAW (1980) CAT (1989) CRC (1990) OP-CRC-AC (2003) OP-CRC-SC (2003) CPED (signature only, 2007)	OP-CAT (2013) CRPD (2009)	ICRMW
Reservations, declarations and/or understandings	OP-CRC-AC (declaration, art. 2, 2003)		
Complaint procedures, inquiry and urgent action[3]	ICERD, art. 14 (2000) ICCPR-OP 1 (1983) OP-CEDAW, art. 8 (2002) CAT, arts. 20, 21 and 22 (1989) CPED (signature only, 2007)	OP-ICESCR, arts. 10 and 11 (2013) OP-CRC-IC (2013) OP-CRPD, art. 6 (2009)	ICCPR, art. 41 ICRMW

1. The United Nations High Commissioner for Refugees (UNHCR) noted that in 2012 Portugal had acceded to the 1954 Convention relating to the Status of Statelessness and the 1961 Convention on the Reduction of Statelessness.[4]

2. In 2012, the Committee on the Elimination of Racial Discrimination (CERD) encouraged, and in 2013 the Committee against Torture (CAT) invited, Portugal to ratify ICRMW.[5]

3. In 2012, CERD recommended that Portugal ratify the amendments to article 8, paragraph 6, of ICERD.[6]

4. In 2013, CAT invited Portugal to ratify CPED.[7]

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide	Conventions on stateless persons[12]	
	Rome Statute of the International Criminal Court		
	Palermo Protocol[8]		
	Conventions on refugees[9]		
	Geneva Conventions of 12 August 1949 and Additional Protocols hereto[10]		
	ILO fundamental conventions[11]		
	UNESCO Convention against Discrimination in Education		

B. Constitutional and legislative framework

5. CERD was concerned about the unclear relationship between ICERD and Portuguese domestic law. It recommended that Portugal give prominence to international human rights treaties, including ICERD.[13]

6. In 2010, in the framework of follow-up to its concluding observations, the Committee against Torture (CAT) reiterated its recommendation that Portugal include the crime of torture as a separate and specific crime in article 4 of Act No. 21/2000 of 10 August 2000.[14]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[15]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[16]
Ombudsman *(Provedor de Justiça)*	A	A (2012)

7. CERD noted that the Ombudsman *(Provedor de Justiça)* mainly dealt with complaints rather than the broader range of responsibilities of a national human rights institution. It recommended that the Ombudsman's work reflect more visibly a wide range of measures in addition to its complaints procedures, particularly with regard to racial discrimination.[17]

8. CERD welcomed the creation of an interministerial body to reduce the backlog of overdue reports to treaty bodies[18] and noted that the National Human Rights Commission, set up in March 2010 following the universal periodic review of Portugal, had responsibility for coordinating prompt reporting to treaty bodies.[19] It encouraged Portugal to change the nomenclature of the National Human Rights Commission to avoid confusion with the National Human Rights Institution.[20]

9. CAT welcomed the appointment in May 2013 of the Ombudsman as a national preventive mechanism in accordance with OP-CAT.[21]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[22]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	August 2004	2011	March 2012	Fifteenth to seventeenth due in 2015
CESCR	November 2000	2011	–	Fourth report pending consideration in 2014
HR Committee	July 2003	2011	October 2012	Fifth report due in 2018
CEDAW	November 2008	2013	–	Eighth and ninth reports pending consideration
CAT	November 2007	2012	November 2013	Seventh report due in 2017
CRC	October 2001	2011 (to CRC, OP-CRC-AC and OP-CRC-SC)	–	Third to fourth reports pending consideration in January 2014. Initial OP-CRC-AC and OP-CRC-SC reports pending consideration in January 2014
CRPD	–	2012	–	Initial report pending consideration

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee	2013	Pretrial detention; prison conditions; and domestic violence.[23]	–
CERD	2013	Discrimination of immigrant women and women belonging to minority groups; discrimination against Ciganos and Roma; and poverty and racism.[24]	–
CEDAW	2010	Gender-mainstreaming institutionalization; and women discrimination in labour.[25]	2011[26] Follow-up on-going[27]
CAT	2008	Prison conditions; investigation of torture; and use of TaserX26 weapons.[28]	2007[29] and 2012[30]

Concluding observations			
Treaty body	*Due in*	*Subject matter*	*Submitted in*
	2014	Legal safeguards for persons detained; investigation of cases of torture and ill-treatment; and domestic violence and ill-treatment of Roma and other minorities.[31]	–

B. Cooperation with special procedures[32]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Special Rapporteur on human rights and extreme poverty (29–30 October 1998)	Working Group of Experts on People of African Descent (16–20 May 2011)
Visits agreed to in principle	–	–
Visits requested	–	–
Responses to letters of allegations and urgent appeals	During the period under review three communications were sent. The Government replied to all of these communications.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

10. Portugal contributed financially to OHCHR in 2010, 2011, 2012 and 2013.[33]

III. Implementation of international human rights obligations

A. Equality and non-discrimination

11. CERD welcomed a number of positive developments and activities undertaken by Portugal to fight racial discrimination and promote tolerance and diversity, including the revision of article 246 of the Criminal Code providing that a person convicted for discrimination (art. 240) might be temporarily deprived of his/her active and/or passive electoral capacity.[34]

12. While conscious of the challenges posed by the economic crisis, CERD expressed concern about the negative impact that budget cuts might have on institutions charged with the promotion and protection of human rights and fighting racial discrimination, and support to relevant non-governmental organizations. The responses of Portugal to the current financial and economic crises should not increase poverty or give rise to racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants, persons belonging to minorities and other particularly vulnerable groups. It urged Portugal to redouble its efforts to fight racial discrimination, including through support to relevant non-governmental organizations.[35]

13. CERD welcomed the pilot project of the High Commission for Immigration and Intercultural Dialogue which placed 28 intercultural mediators in 25 public services to enhance intercultural dialogue and combat racial stereotypes and prejudices. It also noted the Commission's work to support and foster intercultural dialogue.[36]

14. CERD was concerned at the limited effectiveness of the racial discrimination complaint procedure of the Commission for Equality and Against Racial Discrimination, the competent body dealing with racial discrimination under Act No. 18/2004 which implemented the European Union Directive on Racial Discrimination. Few decisions had been taken since its creation, a number of cases remained unsolved and the promised review of its procedure, as indicated by the State party, remained pending. It recommended that Portugal expedite the revision of Act No. 18/2004 so as to guarantee remedies to victims of racial discrimination. It also encouraged Portugal to provide additional resources to the Commission.[37]

15. Despite noting innovative measures introduced by the State under review to promote integration, prevent and address racial discrimination of less favoured communities, CERD was concerned about prevalent racial stereotypes and prejudices against immigrants, foreigners and some citizens, including Brazilians, Chinese, Sub-Saharan Africans and, in particular, Ciganos and Roma.[38] It urged Portugal to take effective measures to prevent and prosecute manifestations of racism, xenophobia and intolerance.[39] It also recommended special measures for vulnerable groups, including Ciganos, Roma and people of African descent.[40]

16. In 2012, the Working Group of Experts on People of African Descent (WGEPAD) recommended that racism and racial discrimination faced by people of African descent be tackled using a holistic approach, touching all levels of society. The particular history and context of all people of African descent living in Portugal, including nationals and migrants, should be taken into account and reflected in a comprehensive action agenda of legislation, practical measures, and monitoring compliance mechanisms.[41]

17. WGEPAD recommended the adoption of legal and institutional measures to promote equality and address racial discrimination experienced by people of African descent who were Portuguese citizens and ensure that the issues were not treated exclusively as migrants' issues.[42]

18. WGEPAD recommended ensuring that the rights of children of African descent, including the rights to education, citizenship and full recognition by the State, were respected and protected in accordance with CRC.[43]

19. CERD was also concerned at racist and xenophobic speech emanating from a few extremist political parties and manifestations of racism and intolerance in sport towards members of ethnic minorities. It recommended that Portugal condemn racist and xenophobic speech by politicians and promote tolerance and diversity, including in sport.[44]

20. CERD and the Human Rights Committee (HR Committee) were concerned about discriminatory conduct and manifestations of racist stereotypes and prejudice towards individuals of foreign origin and other groups by law enforcement officials.[45] The HR Committee urged Portugal to take steps to ensure that law enforcement personnel refrained from racist and discriminatory conduct, including through intensified awareness-raising efforts.[46] CERD recommended that training sessions equip law enforcement officials to fully respect and protect the fundamental rights of all persons without discrimination on the basis of race, colour or ethnic or national origin.[47]

21. The HR Committee was concerned that, despite considerable action taken by the State under review, immigrants, foreigners and ethnic minorities, including the Roma minority, continued to face discrimination in access to housing, employment, education, equal wages,

health care and public services, as well as in participation in public life.[48] CERD expressed deep concern that Ciganos and Roma were still the most discriminated against and most vulnerable people in Portugal. In addition to difficulties with housing, there were persistent and continuing concerns with regard to their right to education, health, employment, access to public services or participation in public life.[49] The HR Committee urged Portugal to ensure that immigrants, foreigners and ethnic minorities, including Roma minority, do not suffer from discrimination.[50] CERD recommended the promotion of the economic, social and cultural rights of Ciganos and Roma, while respecting their culture; and that all policies affecting them are designed, implemented, monitored and evaluated with their full participation.[51]

22. WGEPAD recommended the adoption of special measures, including quota systems, to alleviate and remedy disparities in the enjoyment of human rights affecting people of African descent in Portugal, in order to protect them from discrimination and overcome structural discrimination and break the cycle of poverty, inadequate education and unemployment.[52]

23. While welcoming the adoption in 2011 of the Fourth National Plan for Gender Equality,[53] in 2012, the HR Committee urged Portugal to address the structural difficulties with regard to the implementation of gender-equality policies, including insufficient resources, limited conceptions of equality in public opinion and lack of political commitment.[54]

24. In 2011, in the framework of follow-up to its concluding observations, CEDAW requested information on the implementation of an earlier recommendation concerning the application of gender-mainstreaming procedures with regard to all laws, regulations and programmes in all ministries and the institutionalization of equality advisers in all local municipalities.[55]

25. CERD noted with concern that immigrant women and women belonging to minority groups faced multiple discrimination. It urged Portugal to evaluate and monitor racial discrimination against women, particularly immigrant women and women belonging to minority groups.[56]

B. Right to life, liberty and security of the person

26. CAT reiterated its recommendation that Portugal reconsider amending article 243 of the Criminal Code to explicitly include discrimination among the purposes for inflicting torture in strict conformity with article 1 of the Convention.[57]

27. The HR Committee called on Portugal to take steps to prevent excessive use of force and ill-treatment by law enforcement officials and members of the security forces. It requested information on the numbers of complaints, investigations carried out and the punishments handed down in each case.[58]

28. CAT was deeply concerned at instances where electrical discharge (Taser X26) weapons were used disproportionately by police and prison officials and recommended restrictions on their application and strict monitoring and supervision of their use.[59] The HR Committee also expressed concern about the use of Taser weapons and requested more information from Portugal about their regulation and use.[60]

29. The HR Committee was concerned about physical ill-treatment and other forms of abuse by prison guards at certain prisons. Portugal should prevent physical ill-treatment and other forms of abuse, including excessive strip searches, by prison guards.[61]

30. CAT noted the various training programmes for police forces, but that Portugal had not provided information on training on the provisions of the Convention for prison staff,

immigration officials, and other State agents involved in the prevention of torture. It recommended further developing and strengthening training programmes to ensure that all officials were aware of the provisions of the Convention and assessing the impact and effectiveness of the programmes.[62]

31. CAT acknowledged Portuguese efforts to increase the capacity of penal institutions, but was concerned that they were overpopulated at 115 per cent. It noted that around 20 per cent of detainees were in pretrial detention and regretted the lack of information provided on the average length of pretrial detention. It recommended stepping up efforts to reduce overcrowding, particularly through the wider application of non-custodial measures as an alternative to imprisonment; avoiding long periods of pretrial detention and ensuring that pretrial detainees received a fair trial without undue delay.[63] The HR Committee was also concerned that some prisons were faced with overcrowding, inadequate facilities and poor health conditions, drug abuse by detainees and a high rate of detainees with HIV/AIDS and hepatitis C.[64]

32. CAT was concerned about the high rates of death in custody, especially suicide, among inmates, the insufficient capacity of inpatient psychiatric wards to accommodate prisoners with serious mental illnesses, the lack of staff and rehabilitative activities in forensic psychiatric hospitals and the use of restraints.[65]

33. While acknowledging the positive effects of certain recent legislative amendments, CAT was concerned that the law allowed solitary confinement to be imposed as a disciplinary measure for up to 30 days, including for juveniles aged between the ages of 16 and 18 and that provisional isolation of up to 30 days could be imposed, which it considered amounted to an extended informal punishment. It recommended that solitary confinement never be applied to juveniles or persons with psychosocial disabilities and made other recommendations on the application of solitary confinement.[66]

34. CAT welcomed legislative and other measures to combat domestic violence including the adoption of the Fourth National Action Plan against Domestic Violence (2011–2013), but recalled its concerns about this phenomenon, including the high number of deaths.[67] The HR Committee was concerned that domestic violence continued to be prevalent and that victims often did not report the crime due to traditional societal attitudes. It called on Portugal to continue to take steps, in particular within the Action Plan, to combat and prevent domestic violence and ensure that victims had effective access to complaints mechanisms. Portugal should ensure that victims have access to means of protection, including adequate numbers of shelters for women victims, and that acts of domestic violence are effectively investigated and perpetrators brought to justice.[68]

35. The HR Committee was concerned that article 160 of the Penal Code employed an overly broad definition of trafficking that included lesser crimes, complicating the assessment of the extent of prosecution, conviction and sentencing of trafficking offenders.[69] It was concerned that Portugal was a destination, transit and source country for women, men and children subjected to trafficking for sexual exploitation and forced labour and called on it to intensify its efforts to combat trafficking in persons. It also called on Portugal to change its methods of collecting and reporting data in order to present a more useful description of the legal response.[70] CERD and CAT welcomed the Second National Plan against Trafficking in Human Beings (2012–2013).[71] CAT noted the very few prosecutions of offenders and called for continued measures, including the vigorous enforcement of the legal framework to prevent and promptly, thoroughly and impartially investigate, prosecute and punish trafficking in persons.[72]

C. Administration of justice, including impunity, and the rule of law

36. CERD was concerned that the limited number of complaints in relation to racial discrimination might be due, inter alia, to a lack of confidence in the judicial system because of long and complex judicial procedures, and lack of awareness regarding such legal remedies. It recommended the dissemination of existing legislation on racial discrimination in ways that were accessible, and where relevant in various languages, and inform the public, in particular vulnerable groups, of all available legal remedies.[73] It also recommended implementation of measures to: increase the confidence of the population in the judicial system; shorten the judicial processes, where possible; and allow victims to access legal remedies.[74] WGEPAD made similar recommendations.[75] CAT was concerned at reports mentioning the perceived lack of confidence of victims in the judicial system, which may result in underreporting.[76]

37. CAT regretted the absence of comprehensive and disaggregated data on complaints of, investigations into and prosecutions of cases of torture and ill-treatment by officials, at the criminal and disciplinary levels, as well as on crimes based on discrimination, trafficking, domestic, sexual violence and female genital mutilation. It called for the compilation of data relevant to the monitoring of the implementation of CAT in these fields.[77]

38. CAT regretted the lack of data provided in the State party's report concerning criminal investigations, prosecutions and sanctions of the crime of torture and ill-treatment. As regarded the information provided on the period 2008–2010, it noted the limited number of punishments imposed under disciplinary proceedings in cases of ill-treatment by police and prison officers, as well as the large number of cases closed due to lack of evidence, despite allegations documented by monitoring bodies. It was concerned at information indicating that full medical examinations, out of the hearing and sight of prison officers, did not always occur and that injuries observed upon admission or sustained in prison thereafter were not properly recorded. It made a number of recommendations relating to these issues.[78]

39. CAT noted the different internal and external inspection services of the police and prison administration competent to carry out disciplinary investigations of ill-treatment, and the lack of clarity that may create when lodging a complaint. It was also concerned by instances in which the police refused to provide proof of a criminal complaint to the persons submitting them. It recommended the creation of a central mechanism to receive complaints of torture or ill-treatment, accessible to those in all places of detention, especially prisons, and listed a number of related safeguards.[79]

40. CAT welcomed the adoption of Act No. 104/2009 and the establishment of the Commission for the Protection of Crime Victims, which grants compensation, social support and rehabilitation to victims of violent crimes and domestic violence in advance of the outcome of criminal proceedings, but regretted the lack of information provided on compensation awarded by the Commission or the courts to victims of torture or ill-treatment. It called for adequate resources to be allocated to implement programmes of rehabilitation for victims of torture and ill-treatment effectively.[80]

41. Conscious that the foreign population was overrepresented in prisons, CERD expressed concerns regarding possible discrimination against immigrants and ethnic minorities in the judicial system. It encouraged Portugal to combat racial discrimination in the judicial system and provide remedies to victims.[81]

42. The HR Committee called on Portugal to ensure that time spent in custody for identification purposes, which was carried over into a detention for a suspected crime, is considered part of the 48 hour period within which a detained person must be brought

before a judge and that this time is not misused to circumvent the rights of persons detained on suspicion of crime.[82] It also urged Portugal to ensure that detained persons have an effective right of access to legal counsel from the time they become subject to police custody; law enforcement officials abide by the legal duty to inform all persons deprived of their liberty of their rights; and persons in police custody, including those held by the Judicial Police, are guaranteed the right to notify a third party of their detention.[83] CAT made similar recommendations.[84]

43. The HR Committee was concerned that pretrial detention time was excessively long, with approximately 20 per cent of pretrial detainees spending more than one year in detention, and that pretrial detainees were held together with convicted criminals. It recommended that Portugal reduce the number of persons in pretrial detention and the duration of such detention, including through measures aimed at reducing the length of investigations and legal procedures and at improving judicial efficiency and addressing staff shortages. It should ensure that pretrial detainees are held separately from convicted criminals.[85] CAT made similar recommendations.[86]

44. The HR Committee noted with concern that persons did not have the right to defend themselves in person in criminal proceedings, because representation by a lawyer was obligatory. Portugal should ensure that persons could exercise their right to defend themselves in person in line with article 14, paragraph 3 (d), of ICCPR.[87]

F. Freedom of expression and the right to participate in public and political life

45. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation remained a criminal offence under the Penal Code, punishable with up to six months' imprisonment or a fine with the possibility of increased penalties, including when the offence was committed against a public official. It encouraged Portugal to decriminalize defamation and place it under the civil code in line with international standards.[88]

46. The HR Committee was concerned that women were underrepresented in decision-making positions in the public sector, as well as in the legislative assemblies of the autonomous regions of the Azores and Madeira. It urged Portugal to increase the representation of women in decision-making positions in the public sector, including the foreign service, as well as in the legislative assemblies of the autonomous regions, if necessary, through appropriate temporary special measures.[89]

G. Right to work and to just and favourable conditions of work

47. In 2011, in its follow-up report to CEDAW, Portugal noted that, although the Portuguese Constitution and Labour Code prohibited any discrimination between women and men in employment, some discrimination persisted in practice, and that discrimination suffered by women in recruitment, employment, career advancement and payment was mainly due to maternity and the fact that the main responsibility for family care fell on women.[90]

48. In its follow-up report to CEDAW, Portugal noted that, under the Labour Code, women were entitled to receive equal pay for equal work or work of equal value as that performed by men. Nevertheless, a gender gap persisted regarding both wages and earnings[91] and the right to equal pay for equal work or work of equal value enshrined in domestic legislation had not been fully realized in practice.[92] The HR Committee was concerned about the significant and increasing wage gap between men and women. It urged

Portugal to guarantee equal pay for women and men for work of equal value, in line with the 2009 Labour Code.[93]

49. In its follow-up report to CEDAW, Portugal noted that, despite the trend of a decline in non-permanent contracts and of a narrowing of the gap between men and women of those with such contracts, the proportion of female workers with fixed-term contracts was still higher than the proportion of men, making women more vulnerable to slower career progression, lower payment level and dismissal.[94] Portugal considered that the preponderance of fixed-term contracts among women was the consequence of the discrimination suffered by women in the labour market.[95] CEDAW requested further information from Portugal about, inter alia, the enforcement of legal mechanisms to eliminate occupational segregation; data on the type and extent of wage differentials; and measures to reduce and counteract the prevalence of fixed-term contracts.[96]

50. WGEPAD noted that about one third of the clients of the Immigrant Job Centre Network were of African descent. The Institute of Employment and Professional Training did not have programmes targeting foreigners and immigrants, except for classes in citizenship and the Portuguese language, nor did it have specific policies or programmes for people of African descent.[97]

51. WGEPAD referred to information that migrants of African descent, particularly irregular migrants, had difficulty finding employment and were steadily being replaced by irregular migrants from Eastern Europe as they were less visible and less likely to be spotted by the authorities. Many regular and irregular migrants of African descent would like to return to Africa because of their difficult employment situation, but did not have had the financial resources to do so.[98]

H. Right to social security and to an adequate standard of living

52. UNHCR mentioned that, in the difficult economic situation of Portugal, the welfare system was not able to fund social assistance programmes and that had been reflected in substantial cuts in social allowances. The crisis had affected all citizens, but mainly the most vulnerable population, including asylum seekers and refugees. Traditional employment sectors, such as construction and restaurants, had been severely hit by the economic downturn. Refugees had particular vulnerabilities stemming from their personal experiences, as well as a lack of family and other support networks which could be relied on in case of unemployment or other risks to their ability to provide for their basic needs.[99]

53. In 2013, in its list of issues, CRC requested information on the impact of the financial crisis on children and their families living in poverty, and the measures taken to redress and mitigate the effects of the financial crisis on child poverty, especially with respect to children in need of special protection, including Roma, migrants, asylum seekers, unaccompanied children and children living in street situations.[100]

I. Right to education

54. UNESCO encouraged Portugal to submit its State reports for the periodic consultations of its education-related standard-setting instruments.[101]

55. WGEPAD noted that children from certain immigrant groups, in particular Africans, still had lower levels of education than Portuguese pupils and were less likely to continue their education. While there were several programmes specifically directed at supporting the social inclusion of children in vulnerable social and economic contexts, particularly children of immigrants and ethnic minorities, the integration process was aimed more

specifically at recently arrived immigrants, overlooking slightly those who arrived longer ago.[102] Portugal referred to changes to laws and curricula relevant thereto.[103]

56. UNESCO suggested that Portugal intensify its efforts to make the education system inclusive, particularly for immigrant and ethnic minorities, as well as for girls and women. It also suggested that Portugal be encouraged to strengthen its efforts to improve access to education for children and students from Roma communities.[104]

57. UNESCO encouraged Portugal to pursue its efforts to combat illiteracy and establish an effective system for adult education and training.[105]

58. UNESCO suggested the incorporation of ethics, aesthetics and civics, as well as human rights education, in school curricula.[106]

J. Cultural rights

59. UNESCO recommended enhancing the promotion of cultural heritage through the school curricula and university programmes to ensure increased awareness and appreciation of cultural heritage.[107]

K. Persons with disabilities

60. In its list of issues, CRC requested information on measures taken to implement inclusive education for children with disabilities, including children in specialized centres and measures to ensure their protection from ill-treatment.[108]

L. Minorities and indigenous peoples

61. While Portugal affirmed that there were no ethnic minorities recognized as such and that immigrants living in Portugal were not recognized as ethnic minorities but rather as foreigners, CERD invited the country to compile statistical data on the demographic composition of its population based on anonymous and voluntary ethnic self-identification by those concerned.[109] WGEPAD regretted the absence of data disaggregated by ethnic or racial origin and recommended reviewing the policy which impeded its collection.[110]

62. CERD welcomed the Strategy for Inclusion of the Roma Communities launched in December 2011.[111] In implementing the Strategy, CERD stated that Portugal should ensure the improvement of the living conditions of these communities by improving their access to adequate housing, education, health services, employment and public services.[112] CAT also welcomed the Strategy, but was concerned at reports of discrimination and abuse against Roma and other minorities by the police.[113]

63. WGEPAD called on Portugal to ensure the participation of people of African descent in projects that affected them, including through appropriate forums to consult them regarding their particular needs.[114]

M. Migrants, refugees and asylum seekers

64. CERD commended the policies, laws and actions of Portugal regarding the integration of immigrants.[115]

65. CAT noted that the number of asylum applications had increased from 140 applications in 2009 to 369 applications in 2013.[116] UNHCR noted that between 2010 and 2013 the recognition rate was 32 per cent, with a large majority obtaining subsidiary

protection status. It also mentioned that the number of unaccompanied children requesting protection had increased since 2010.[117]

66. UNHCR noted that in 2012 the time limit of five years for subsidiary protection was revoked, providing for a more stable level of protection for asylum seekers.[118]

67. UNHCR noted some need for improvement in the asylum procedures and recommended: regular training and capacity-building for migration staff, judges, lawyers, NGOs and translators; the establishment of quality assurance mechanisms in the procedures; and the reinforcement of monitoring at border points to safeguard the rights of persons who may be in need of international protection.[119]

68. In the light of the increasing numbers of asylum seekers, UNHCR recommended that the capacity of the reception system be increased and that refugee claims be processed in a timely manner in order to reduce the pressure on reception capacity.[120] CAT had similar observations and recommended that Portugal ensure that adequate medical care, food, water and personal hygiene items were provided in reception centres.[121]

69. UNHCR referred to the new decentralization policy for the integration of asylum seekers and refugees and noted some shortcomings in its implementation. It recommended: ensuring that service providers were prepared, trained and guided and that experienced NGO partners were supported and encouraged in their role; provision of adequate financial resources for implementation of the policy; and amendment of the Nationality Act to facilitate the naturalization of refugees and stateless persons.[122]

70. UNHCR noted that asylum seekers are no longer granted free access to primary and emergency health care and that their social security allowances were reduced in 2013. It recommended ensuring that asylum seekers, beneficiaries of subsidiary protection and refugees have access to basic social security services and that asylum seekers have free access to primary and emergency health care.[123]

71. UNHCR recommended the adoption and implementation in national legislation of a statelessness determination procedure.[124]

N. Human rights and counter-terrorism

72. The HR Committee was concerned that under article 143, paragraph 4, of the Code of Criminal Procedure detainees were prevented from communicating with other persons in cases of terrorism or violent or highly organized crimes, until the detainee was brought before a court. Portugal should ensure that detention ordered by the Public Prosecutor's Office under such article is strictly regulated; that detainees held under that provision are under judicial supervision; and that limits on their communication with third persons are stringently reviewed by the judiciary.[125]

73. CAT welcomed the criminal investigation by Portugal into its alleged involvement in extraordinary renditions, but noted that the State had reported that the investigation had been closed on the grounds of insufficient evidence. It encouraged Portugal to continue its investigations, if further information was found.[126]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Portugal from the previous cycle (A/HRC/WG.6/6/PRT/2).

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] UNHCR submission to the UPR on Portugal, p. 1.

[5] Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/PRT/CO/12-14, para. 23, and concluding observations of the Committee against Torture, CAT/C/PRT/CO/5-6, para. 22.

[6] CERD/C/PRT/CO/12-14, para. 26.

[7] CAT/C/PRT/CO/5-6, para. 22.

[8] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[9] 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

[10] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[11] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[12] 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[13] CERD/C/PRT/CO/12-14, para. 11.

[14] Letter dated 12 May 2010 from CAT to the Permanent Mission of Portugal in Geneva, p. 2. Available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/PRT/INT_CAT_FUF_PRT_11794_E.pdf (accessed on 29 January 2014). See also A/HRC/WG.6/6/PRT/2, para. 25, concluding observations of CAT, CAT/C/PRT/CO/4, para. 12, and CAT/C/PRT/CO/4/Add.2, pp. 11–12.

[15] According to article 5 of the rules of procedure for the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[16] For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.

[17] CERD/C/PRT/CO/12-14, para. 21.

[18] Ibid., para. 5.

[19] Ibid., para. 21.

[20] Ibid., para. 21.

[21] CAT/C/PRT/CO/5-6, para. 6.

[22] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities

[23] Concluding observations of CCPR, CCPR/C/PRT/CO/4, para. 16.

[24] CERD/C/PRT/CO/12-14, para. 28.

[25] Concluding observations of CEDAW, CEDAW/C/PRT/CO/7, para. 54.

[26] Response by Portugal to the recommendations contained in the concluding observations of CEDAW, CEDAW/C/PRT/CO/7/Add.1.

[27] Letter dated 10 August 2011 from CEDAW to the Permanent Mission of Portugal in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRT/INT_CEDAW_FUL_PRT_13612_E.pdf (accessed on 29 January 2014).

[28] CAT/C/PRT/CO/4, para. 22.

[29] CAT/C/PRT/CO/4/Add.1. See also letter dated 12 May 2010 from CAT to the Permanent Mission of Portugal in Geneva.

[30] CAT/C/PRT/CO/4/Add.2

[31] CAT/C/PRT/CO/5-6, para. 24.

[32] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[33] OHCHR, *2010 Annual Report: Activities and Results* (Geneva, OHCHR, 2010), p. 288; OHCHR, *2011 Annual Report: Activities and Results* (Geneva, OHCHR, 2011), p. 175; OHCHR, *2012 Annual Report: Activities and Results* (Geneva, OHCHR, 2012), p. 168; and forthcoming OHCHR Annual report for 2013. All available from: www.ohchr.org/EN/PublicationsResources/Pages/AnnualReportAppeal.aspx (accessed 29 January 2014).

[34] CERD/C/PRT/CO/12-14, para. 4.
[35] Ibid., para. 20.
[36] Ibid., para. 6.
[37] Ibid., para. 17.
[38] Ibid., para. 14.
[39] Ibid., para. 14.
[40] Ibid., para. 13.
[41] Report of the Working Group of Experts on People of African Descent on its mission to Portugal, A/HRC/21/60/Add.1, para. 77.
[42] Ibid., para. 77.
[43] Ibid., para. 77. See also Government response in the appendix thereto, section 10–11.
[44] CERD/C/PRT/CO/12-14, para. 14.
[45] Ibid., para. 15, and CCPR/C/PRT/CO/4, para. 5.
[46] CCPR/C/PRT/CO/4, para. 5.
[47] CERD/C/PRT/CO/12-14, para. 15.
[48] CCPR/C/PRT/CO/4, para. 5. See also CERD/C/PRT/CO/12-14, para. 19.
[49] CERD/C/PRT/CO/12-14, para. 19.
[50] CCPR/C/PRT/CO/4, para. 5.
[51] CERD/C/PRT/CO/12-14, para. 19.
[52] A/HRC/21/60/Add.1, para. 77.
[53] CCPR/C/PRT/CO/4, para. 3. See also CEDAW/C/PRT/CO/7/Add.1, para. 4.
[54] CCPR/C/PRT/CO/4, para. 4.
[55] Letter dated 10 August 2011 from CEDAW to the Permanent Mission of Portugal in Geneva, pp. 1-2. See also CEDAW/C/PRT/CO/7, para. 21.
[56] CERD/C/PRT/CO/12-14, para. 18.
[57] CAT/C/PRT/CO/5-6, para. 7. See also CAT/C/PRT/CO/4, para. 6.
[58] CCPR/C/PRT/CO/4, para. 10.
[59] CAT/C/PRT/CO/5-6, para. 15. See also letter dated 12 May 2010 from CAT to the Permanent Mission of Portugal in Geneva, p. 2.
[60] CCPR/C/PRT/CO/4, para. 10.
[61] CCPR/C/PRT/CO/4, para. 11. See also letter dated 12 May 2010 from CAT to the Permanent Mission of Portugal in Geneva, p. 1; and CAT/C/PRT/CO/5-6, para 11.
[62] CAT/C/PRT/CO/5-6, para. 20.
[63] Ibid., para 11.
[64] CCPR/C/PRT/CO/4, para. 11.
[65] CAT/C/PRT/CO/5-6, para. 11.
[66] Ibid., para. 12.
[67] Ibid., para. 17. See also para. 5, and CEDAW/C/PRT/CO/7/Add.1, para. 4.
[68] CCPR/C/PRT/CO/4, para. 12.
[69] Ibid., para. 13.
[70] Ibid., para. 13.
[71] CERD/C/PRT/CO/12-14, para. 5, and CAT/C/PRT/CO/5-6, para. 19. See also CCPR/C/PRT/CO/4, para. 3, and CEDAW/C/PRT/CO/7/Add.1, para. 4.
[72] CAT/C/PRT/CO/5-6, para. 19.
[73] CERD/C/PRT/CO/12-14, para. 12. See also CERD/C/PRT/CO/12-14, para. 17.
[74] CERD/C/PRT/CO/12-14, para. 12.
[75] A/HRC/21/60/Add.1, para. 77.
[76] CAT/C/PRT/CO/5-6, para. 18.
[77] Ibid., para. 21.
[78] Ibid., para. 9.
[79] Ibid., para. 10.
[80] Ibid., para. 16.
[81] CERD/C/PRT/CO/12-14, para. 16.
[82] CCPR/C/PRT/CO/4, para. 7.
[83] Ibid., para. 8.
[84] CAT/C/PRT/CO/5-6, para. 8.

[85] CCPR/C/PRT/CO/4, para. 9.
[86] CAT/C/PRT/CO/5-6, para. 11.
[87] CCPR/C/PRT/CO/4, para. 14.
[88] UNESCO submission to the UPR, pp. 6–7.
[89] CCPR/C/PRT/CO/4, para. 4.
[90] CEDAW/C/PRT/CO/7/Add.1, para. 33. See also ibid., para. 61.
[91] Ibid., paras. 48–49.
[92] Ibid., para. 51. See also CCPR/C/PRT/CO/4, para. 4.
[93] CCPR/C/PRT/CO/4, para. 4.
[94] CEDAW/C/PRT/CO/7/Add.1, para. 60.
[95] Ibid., para. 61.
[96] Letter dated 10 August 2011 from CEDAW to the Permanent Mission of Portugal in Geneva, p. 2 (c) (d) and (e). Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRT/INT_CEDAW_FUL_PRT_13612_E.pdf (accessed on 29 January 2013). See also CEDAW/C/PRT/CO/7, para. 41.
[97] A/HRC/21/60/Add.1, para. 24.
[98] Ibid., para. 25.
[99] UNHCR submission, p. 2.
[100] CRC/C/PRT/Q/3-4, para. 2.
[101] UNESCO submission, p. 6.
[102] A/HRC/21/60/Add.1, para. 7.
[103] Ibid., appendix, section 10.
[104] UNESCO submission, p. 7.
[105] Ibid., p. 7.
[106] Ibid., p. 7.
[107] Ibid., p. 7.
[108] CRC/C/PRT/Q/3-4, para. 5.
[109] CERD/C/PRT/CO/12-14, para. 10.
[110] A/HRC/21/60/Add.1, paras. 22, 77.
[111] CERD/C/PRT/CO/12-14, para. 5. See also CERD/C/PRT/CO/12-14, para. 19, and CAT/C/PRT/CO/5-6, para. 18.
[112] CERD/C/PRT/CO/12-14, para. 19. See also CCPR/C/PRT/CO/4, para. 5.
[113] CAT/C/PRT/CO/5-6, para. 18.
[114] A/HRC/21/60/Add.1, para. 77.
[115] CERD/C/PRT/CO/12-14, para. 8.
[116] CAT/C/PRT/CO/5-6, para. 14.
[117] UNHCR submission, p. 1.
[118] Ibid., p. 2.
[119] Ibid., p. 4.
[120] Ibid., p. 5.
[121] CAT/C/PRT/CO/5-6, para. 14.
[122] UNHCR submission, pp. 5–6.
[123] Ibid., pp. 6–7.
[124] Ibid., p. 7.
[125] CCPR/C/PRT/CO/4, para. 6.
[126] CAT/C/PRT/CO/5-6, para. 13.